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enforceable by *mandamus*, and not by injunction, to prevent discontinuance of the station.

An injunction will not be granted to restrain a railroad from removing depot. *Moore v. Brooklyn R. Co.*, 108 N. Y. 98, or to compel establishment of station, *Baldwin on Railroads*, p. 176; *Atchinson, T. & S. F. R. Co. v. Denver & New Orleans R. Co.*, 110 U. S. 667. When the legislature has imposed the duty of maintaining and establishing stations clearly and specifically *mandamus* is the proper action to compel railroad to carry out its duty. *Com. v. Eastern R. Co.*, 103 Mass. 254. But when there is no legislative action with reference to these duties the courts are helpless. *Northern Pacific R. Co. v. Washington Territory*, 142 U. S. 492; Some of the state courts have, however, held that, independently of any statutory requirements, a railroad might be compelled to establish a station when the court deemed it necessary in the interest of the public. *State v. Republican Valley Railroad*, 17 Neb. 647. The Illinois courts, in some cases, have shown inclination to follow this view. *People v. Chicago & Alton Railroad*, 130 Ill., 175.

INJUNCTION—CONTRACTS IN RESTRAINT OF TRADE—SUIT BY ATTORNEY GENERAL.—*McCARTER, ATTY. GEN., v. FIREMEN'S INS. CO.*, 61 ATL. 705 (N. J.).—*Held*, in the absence of a statute authorizing it, the attorney general may not maintain a suit to enjoin insurers carrying out an agreement regulating rates, though against public policy as in restraint of trade; and the fact that the insurers are private corporations makes no difference.

Nowhere in this decision is there any reference to the right of the state "to obtain a judgment merely ousting it (the corporation) from the further exercise of an unauthorized power." *Marshall on Private Corporations*, Sec. 82. An opposite holding on a state of facts involving the same principle was *People v. North River Sugar R. Co.* 121 N. Y. 582. That the attorney general in this case was within his powers see *Atty. Gen. v. Del. & B. B. R. R.*, 12 C. E. (N. J.) 631. The general powers of the attorney general gives him the right to bring such actions. *McMullen v. Circuit Judge*, 102 Mich. 608. And the implied power of the attorney general, independent of statute, is sustained in *Board of Comrs. v. State*, 92 Ind. 353. When the managing body of a corporation are doing, or about to do, an *ultra vires* act of such a nature as to produce public mischief, the attorney general, as representative of the public may maintain an equitable suit for preventative relief. *Pomeroy Eq. Jurisprudence*, Sec. 1903. It would seem that agreements in restraint of trade made between corporations ought to come within the category of public mischief.

MANDAMUS—ORIGINAL JURISDICTION OF FEDERAL CIRCUIT COURT.—*UNITED STATES EX REL. INTERSTATE COMMERCE COMMISSIONERS v. LAKE SHORE & MICHIGAN SOUTHERN RY. CO.*, 25 SUP. CT. 538.—In an action relying on the Inter State-Commerce, Act of 1887, it was attempted to compel an interstate carrier by *mandamus* proceedings to make a report to the commissioner, *held* that under the act no such jurisdiction of an original proceeding by *mandamus* is conferred upon a Federal circuit court. Harlan, J., *dissenting*.

In interpreting the judiciary act of 1789 (1 Stat. at L., chap. 20, sec. 11, 14.) the Supreme Court decided that circuit courts possessed no such power. *McIntire v. Wood*, 7 Cranch, 504; *McClung v. Silliman*, 6 Wheat. 598. Such rulings are not in conflict with the authority which is given to the Supreme Court of the District of Columbia to issue writs of *mandamus* in cases in which the parties are by the common law entitled to them. *United*